

REFERENCE TITLE: open meetings; public opinions

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## **HB 2410**

Introduced by  
Representative Kavanagh: Senator Harper

AN ACT

AMENDING SECTION 38-431.09, ARIZONA REVISED STATUTES; RELATING TO PUBLIC MEETINGS AND PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 38-431.09, Arizona Revised Statutes, is amended to  
3 read:

4           38-431.09. Declaration of public policy

5           A. It is the public policy of this state that meetings of public  
6 bodies be conducted openly and that notices and agendas be provided for such  
7 meetings which contain such information as is reasonably necessary to inform  
8 the public of the matters to be discussed or decided. Toward this end, any  
9 person or entity charged with the interpretations of this article shall  
10 construe ~~any provision of~~ this article in favor of open and public meetings.

11          B. NOTWITHSTANDING SUBSECTION A, IT IS NOT A VIOLATION OF THIS ARTICLE  
12 IF A MEMBER OF A PUBLIC BODY EXPRESSES AN OPINION OR DISCUSSES AN ISSUE WITH  
13 THE PUBLIC EITHER AT A VENUE OTHER THAN AT A MEETING THAT IS SUBJECT TO THIS  
14 ARTICLE, PERSONALLY, THROUGH THE MEDIA OR OTHER FORM OF PUBLIC BROADCAST  
15 COMMUNICATION OR THROUGH TECHNOLOGICAL MEANS IF:

- 16           1. THE OPINION OR DISCUSSION IS NOT PRINCIPALLY DIRECTED AT OR  
17 DIRECTLY GIVEN TO ANOTHER MEMBER OF THE PUBLIC BODY.  
18           2. THERE IS NO CONCERTED PLAN TO ENGAGE IN COLLECTIVE DELIBERATION TO  
19 TAKE LEGAL ACTION.